

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 5:23-cv-02245-RGK-BFM

Date: November 21, 2024

Title: Jeff Macy v. California Highway Patrol Running Springs, et al.

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Present: The Honorable Brianna Fuller Mircheff, United States Magistrate Judge

Christianna Howard
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Plaintiff:
N/A

Attorneys Present for Defendants:
N/A

**Proceedings: (In Chambers) Order Granting Motion Releasing
Video Recording (ECF 57)**

Defendants move for a court order overruling Plaintiff's objection to the videorecording of his deposition. (ECF 57.) In short, Defendants noticed Plaintiff's deposition, and in the notice of deposition, Plaintiff was advised that Defendants intended to videorecord the deposition. (ECF 57 at 8.) At the outset of the deposition, Plaintiff indicated he did not consent to the videorecording, and thus defense counsel agreed he would not get a copy of the recording without seeking a court order regarding Plaintiff's objection. (ECF 50-1 at 8.) The question was not resolved during an informal discovery hearing (ECF 55), and thus Defendants filed this Motion.

Plaintiff was permitted an opportunity to oppose Defendants' Motion, but did not do so within the deadline set by the Court. (ECF 55.) That alone is a basis to grant the Motion. *See* C.D. Cal. Local Rule 7-12 ("The failure to file any required document, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion . . .").

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In any event, Rule 30(b)(3)(A) of the Federal Rules of Civil Procedure states that a party may videorecord a deposition so long as advance notice is provided (and so long as the Court has not ordered otherwise). Defendants provided appropriate notice to Plaintiff. Given Plaintiff's pro se status, the Court believes that Defendants made an appropriate choice to videorecord the deposition—if only to ensure an accurate record should any questions or accusations of misconduct arise. (*See* ECF 47 (Plaintiff accusing defense counsel of threatening gestures and language during his deposition).)

Plaintiff has made no persuasive argument against videorecording. As noted, he filed no opposition to the Motion. During the informal discovery conference, Plaintiff's argument appeared to be that he had not consented to the recording, that there was irrelevant and private information captured during the deposition that should be edited out, and that he was concerned what Defendants would do with the recording. The Court finds none of these arguments persuasive. Plaintiff's consent to the recording is not required, because videorecording of depositions is authorized under Rule 30. And, as the Court explained during the hearing, Plaintiff's concern about irrelevant questions has nothing to do with whether Defendants should have access to the videorecording. His concerns about what Defendants intend to do with the recording are better addressed through some other means, such as a stipulated protective order to preclude disclosure of confidential information. In short, Plaintiff has provided no good reason for the Court to deny Defendants access to the videorecording of the deposition.

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Plaintiff's objection is therefore overruled. Defendants' motion is **granted**, and they may proceed to obtain a copy of the videorecording of Plaintiff's deposition.

IT IS SO ORDERED.

cc: Jeff Macy, pro se
Counsel of Record

Initials of Preparer: ch